

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 835 - SB 1342**

March 23, 2017

**SUMMARY OF BILL:** Creates a new sentence enhancement for aggravated assault committed against a uniformed officer in the National Guard if the defendant intentionally selected the victim because of the person's status as a member of the National Guard.

Creates a sentence enhancement for committing a violent offense, as classified in Tenn. Code Ann. § 40-35-120(b), against a uniformed law enforcement officer or uniformed member of the armed forces or National Guard if the defendant intentionally selected the victim because of the person's status as a law enforcement officer or member of the armed forces or National Guard.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

**Assumptions:**

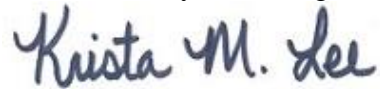
- Sentence enhancements are only applied after a person has been convicted at trial. A very small number of cases proceed all the way to trial. Most are disposed of through plea agreements.
- Thus, there would need to be a large number of offenses committed against law enforcement officers and members of the armed forces or National Guard to realize any increase in state incarceration costs.
- Fiscal Review Committee staff could find no data on aggravated assaults regularly being committed against members of the National Guard.
- It is assumed that the creation of this sentence enhancement will not significantly impact state incarceration costs.
- The list of violent offenses under Tenn. Code Ann. § 40-35-120(b) include first degree murder, second degree murder, especially aggravated kidnapping, especially aggravated robbery, aggravated rape, rape of a child, aggravated arson, aggravated kidnapping, aggravated robbery, rape, aggravated sexual battery, especially aggravated battery, aggravated child abuse, aggravated sexual exploitation of a minor, and especially aggravated sexual exploitation of a minor.
- Fiscal Review Committee staff could find no data indicating a large number of these offenses being committed against law enforcement officers or members of the armed forces or National Guard.

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- The proposed legislation will not significantly increase state incarceration costs.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm